

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

	§ No.
JOSE HERRERA,	§
	§
Plaintiff,	§
	§
v.	§
	§
GC SERVICES, LP,	§
	§
Defendant.	§
	§

PLAINTIFF'S COMPLAINT

JOSE HERRERA (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against GC SERVICES, LP (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Henderson, Clark County, Nevada.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company with its main office located in Houston, Texas and it conducts business in Texas.

FACTUAL ALLEGATIONS

10. In or around October of 2013, Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt.
11. Plaintiff's alleged debt arises from transactions for personal, family, and household purposes.
12. Defendant called Plaintiff's telephone number at 702-269-93XX.
13. In or around October of 2013, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine. See transcribed voicemail message attached hereto as Exhibit A.
14. In the voicemail message, Defendant failed to meaningfully disclose the company's name or the nature of the call or state that the call was from a debt collector. See transcribed voicemail message attached hereto as Exhibit A.

15. In the voicemail message, Defendant directed Plaintiff to call back telephone number 800-846-6406, extension 5055, which is a number that belongs to Defendant. See transcribed voicemail message attached hereto as Exhibit A.

16. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff;
- b. Defendant violated §1692d(6) of the FDCPA when Defendant placed telephone calls without meaningful disclosure of the caller's identity; and
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- d. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

WHEREFORE, Plaintiff, JOSE HERRERA, respectfully requests judgment be entered against Defendant, GC SERVICES, LP, for the following:

- a. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- b. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
- c. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: _____

By: _____

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, JOSE HERRERA, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JOSE HERRERA, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Date

JOSE HERRERA

EXHIBIT A

Jose Herrera, my name is "Elliott Sears." Please call me back at 1-800-846-6406 extension 5055 between the hours of 8 am and 5 pm Arizona time. Again, my phone number is 1-800-846-6404 extension 5055.